

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR & RD Department – Allegations of irregularities in execution of work “CPWS to Kotagiri and 23 habitations (Phase-II)” in Nizamabad District – L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj – Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 – Article of Charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No. 72.

Dated: 20.01.2010.

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ORDER:

It is proposed to hold an enquiry against L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges Annexure-I. A list of documents by which and a list of witnesses by whom, the articles of charges are proposed to be sustained are appended as Annexure-II and Annexure-III.

3. L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj, is directed to submit within (10) days of the receipt of this order, a Written statement of defence. He is informed that an inquiry will be held only if the article of charge is not admitted. He should, therefore, specifically admit or deny the article of charge.

4. L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj, is further informed that if he does not submit his written statement of defence within the stipulated period specified in para (3) above, further action will be processed based on the material available.

5. Attention of L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

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6. The receipt of this G.O. shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada
Division, Nizamabad District now at Panchayat Raj through
the Engineer-in-Chief, Panchayat Raj, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad.
(with a request to serve and return the acknowledged copy and W.S.D.)

Copy to:
The G.A.(V&E) Dept.
SF/SCs

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-I

(to G.O.Rt.No. 72 , Panchayat Raj & Rural Development Department,
dt.20.01.2010)

CHARGE-I:

That Sri L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj, has committed irregularities by doing improper scrutiny of part bills for his personal gain by misutilising his official position which resulted in excess payment to the contractor.

BASIS:

As seen from the report of the V&E Dept. in Report No.35 (736/V&E/E2/2006) dt. 09.10.2009 in respect of the work "CPWS to Kotagiri and 23 habitations (Phase-II)" in Nizamabad District, the total net quantity of the component (bund formation) as executed in the field was 1,66,207.19 cum only and the same was completed by 2nd & Part bill and no further work on the item was either executed or recorded in any M. Book till the final bill.

In C.C. 2nd and part bill, originally, the executed quantity (bund formation) which was recorded as 1,38,422.56 cum has been check measured with deductions as 1,34,825.25 cum (pg 46 of MB No.633/01-A). The total quantity as per CC 1st & CC 2nd bill is 1,66,207.10 cum and all these quantities were corrected/over written which are check measured by the Deputy Executive Engineer and the final measurements considered as under:

Executed quantity in CC IInd & Part bill:	1,56,279.13 cum
	(original 1,38,423.66 cum)
Net quantity	: 1,52,664.22 cum
	(original 1,34,808.75 cum)
Total quantity of two bills	: 1,84,062.66 cum
	(original 1,66,207.19 cum)

As seen from the M.Book No.633/01-A wherein detailed measurements were recorded the full quantity of earth work for formation of bund was recorded and check measured by the time of CC 2nd & Part bill i.e., quantity of 1,84,062.66 cum and check measured. However, in MB No.627/01-A i.e., abstract of payments, the quantity recorded for payment is as under:-

CC 2 nd & Part	:	1,66,207.19 cum
CC 3 rd & Part	:	1,74,204.18 cum
CC 4 th & Part	:	1,74,204.18 cum
CC 5 th & Part	:	1,84,062.66 cum

From the above, it is clear evident that, when no formation work was carried out after recording in CC 2nd and part bill, the total earthwork quantity should remain constant. Further, the payment for earthwork was fully paid after CC 2nd & part bill. The concerned section officer has also accepted that no work was carried out after CC 2nd & part bill. Hence, the increase recorded in quantities after CC 2nd & part bill was not with reference to executed work. Originally the full quantity of 1,66,207.29 cum was recorded in CC 2nd & part bill, but subsequently the quantity was corrected as 1,84,062.86 cum and payment

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for excess quantity of 17,222.07 cum was recorded and released in CC 3rd & part bill (7,996.99 cum) and CC 5th & part bill (9,858.48 cum). The excess/fraud measurements recorded had resulted in release of excess payment of Rs.10,00,622/- to contractor. As overwriting, corrections were made after original recording, this payment is a deliberate fraud committed.

Thus he is primarily responsible for the fraud as he is aware that total formation work was completed by CC 2nd & part bill and no further increase could be there in quantity in CC 3rd & part bill onwards and the corrections were not even get attested by any officer which is a primary obligatory requirement.

The said L.Promod Rao, A.E.E. when verified the abstract of page 15 of MB 627/01-A was verified the quantities should have been cross checked with detailed measurements in MB No.625/01-A i.e., CC 3rd & part bill and the same were allowed in the CC 4th & part bill, as there were no fresh measurements of the said item since 2nd & part bill.

After bringing the above irregularity into light by V&E dept. only, the concerned Executive Engineer had adjusted the above amount by TEO duly forfeiting deposits of contractor and also by way of challan dt. 09.07.2007. Had not the V&E Dept., inspected the work and pointed out the above irregularity, there would have a huge financial loss to the state exchequer.

Thus, he had miserably failed in attending his legitimate duties in scrutinizing the part bills which is a serious lapse which should not have expected from the loyal Government Servant.

Hence, the Charge.

CHARGE-II:

That Sri L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada Division, Nizamabad District now at Panchayat Raj, has committed irregularities by not effecting the deduction of gravel top component from "formation of earthen bund" component causing excess payment of Rs.44,368/- and caused financial loss to the state exchequer for his personal gain by misutilising his official position and favoured the contractor.

BASIS:

As seen from the report of the V&E Dept. in Report No.35 (736/V&E/E2/2006) dt. 09.10.2009 in respect of the work "CPWS to Kotagiri and 23 habitations (Phase-II)" in Nizamabad District, it is informed that 150 mm thick compacted gravel top quantity provided over the SS tank bund was not deducted from gross quantity of formation of earthen bund with conveyed soils. As such excess payment was also made as mentioned below.

Total quantity of 150 mm thick compacted gravel top over SS tank bund (P.No.26 of MB No.691/2001-B) : 763.65 cum

Therefore excess earth work quantity recorded is 763.65 cum whose cost is Rs.44,368/- @ Rs.58.10/-cum.)

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After bringing the above irregularity into light by V&E Dept. only., the concerned Executive Engineer had adjusted the above amount by TEO duly forfeiting deposits of contractor and also by way of challan dt. 09.07.2007. Had not the V&E Dept., inspected the work and pointed out the above irregularity, there would have a huge financial loss to the state exchequer.

Thus, he had miserably failed in attending to his legitimate duties and favored the contractor for his personal gain which is a serious lapse which should not have expected from the loyal Government Servant.

Hence the charge.

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-II

(to G.O.Rt.No. 72 , Panchayat Raj & Rural Development Department,
dated. 20.01.2010)

List of documents by which the article of charges is proposed to be sustained
against L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada
Division, Nizamabad District now at Panchayat Raj.

Vigilance Report No.35 (736/V&E/E2/2006), dt. 12-03-2008 of G.A. (V&E)
Dept.

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-III

(to G.O.Rt.No. 72 , Panchayat Raj & Rural Development Department,
dated.20.01.2010)

List of witnesses by whom the article of charges is proposed to be sustained
against L. Pramod Rao, formerly Asst. Executive Engineer, RWS, Banswada
Division, Nizamabad District now at Panchayat Raj.

-Nil-

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER